

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Samuel ONATE-Perez

Case No. 2:22-mj-666

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 3, 2022 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

8 U.S.C. §§ 1326(a) and (b)(1)

Offense Description

Illegal reentry of an alien removed subsequent to a felony conviction

This criminal complaint is based on these facts:

See attached affidavit, which is fully incorporated herein.

☒ Continued on the attached sheet.

JOHN S WISSEL

Digitally signed by JOHN S WISSEL
Date: 2022.10.03 17:03:34 -04'00'

Complainant's signature

John Wissel, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date:

Oct 5, 2022

City and state:

Columbus, OH

Kimberly A. Tolson, U.S. Magistrate Judge

Printed name and title



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN THE MATTER OF THE
CRIMINAL COMPLAINT OF:**

Samuel ONATE-Perez

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Case No. 2:22-mj-666

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer John S. Wissel, being first duly sworn, depose and state as follows:

1. I am a Deportation Officer with more than thirteen years of experience as an Immigration Officer with United States Immigration and Customs Enforcement (ICE). I am assigned to the Columbus, Ohio, Office of Enforcement and Removals. I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the Immigration Enforcement Agent course at the Federal Law Enforcement Training Center (FLETC) at Artesia, New Mexico.
2. During investigating Samuel ONATE-Perez (A 095 418 080), I have learned the following facts:
3. ONATE-Perez is a citizen and national of Mexico with no claim to United States citizenship.
4. On or about September 25, 2002, ONATE-Perez was ordered removed by an Immigration Judge in Chicago, Illinois. On or about September 27, 2002, ONATE-Perez was physically removed from the United States to Mexico at the Hidalgo, Texas, Port of Entry. On that day, ONATE-Perez surrendered his fingerprint for Immigration Form I-205 (Warrant of Removal/Deportation) and signed the same day. ONATE-Perez's departure was witnessed by an Immigration Officer who documented the departure by way of signature on the Immigration Form I-205.
5. On or about March 25, 2003, ONATE-Perez was encountered by Immigration Officers at or near Columbia, Missouri.
6. On or about February 13, 2004, ONATE-Perez was convicted of Illegal Entry into the United States, in violation of 8 U.S.C. §§ 1326(a) and (b)(1), in the United States District Court for the Western District of Missouri (case number 03-04028-01-CR-C-NKL), which is a felony offense. ONATE-Perez was sentenced to a term of imprisonment of ten months followed by three years of supervised release and a \$100.00 special assessment. ONATE-Perez's prior order of removal from September

25, 2002 was reinstated. On or about May 7, 2004, ONATE-Perez was removed from the United States to Mexico at the El Paso, Texas, International Bridge Port of Entry.

7. After a verification of fingerprints, ICE determined that ONATE-Perez had previously been ordered removed from the United States and is subject to prosecution for illegal reentry, being found in the United States after being barred from reentering this country for a period of 20 years. Biometric and records checks confirmed that ONATE-Perez did not receive permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security for this reentry into the United States.
8. On or about September 12, 2022, ICE placed a detainer on ONATE-Perez at the Licking County Jail in Newark, Ohio. ONATE-Perez had been arrested and charged in the Licking County Municipal Court for Sexual Imposition. This charge is currently pending in Licking County Municipal Court case number 22CRB01431-A. On October 3, 2022, ICE Officers took custody of ONATE-Perez at the Licking County Jail in Newark, Ohio.
9. I submit that the foregoing facts to establish probable cause that ONATE-Perez is in violation of 8 U.S.C. §§ 1326(a) and (b)(1), an alien who: has been denied admission, excluded, deported, or removed, or has departed the United States while and order of exclusion, deportation or removal is outstanding, and thereafter enters, attempts to enter, or at any time found in, the United States, unless prior to re-embarkation at a place outside the U.S. or an application for admission from a foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; notwithstanding subsection (b)(1), in the case of any alien described in such subsection whose removal was subsequent to a conviction for commission of a felony, such alien shall be fined under Title 18 United States Code, imprisoned not more than 10 years, or both.

JOHN S WISSEL Digitally signed by JOHN S WISSEL
Date: 2022.10.05 14:02:38 -04'00'

John S. Wissel
Deportation Officer
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 5th day of October, 2022.


HONORABLE KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE